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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,216	04/22/2004	Edwin Palesch	P7497US	3215
30008	7590	11/09/2006	EXAMINER	
GUDRUN E. HUCKETT DRAUDT LONSSTR. 53 WUPPERTAL, 42289 GERMANY				CHANG, CHING
ART UNIT		PAPER NUMBER		
		3748		

DATE MAILED: 11/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/709,216	PALESCH ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Ching Chang	3748	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 19 October 2006.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) 7-12 and 18-25 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-6, 13-17, and 26-29 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____.   | 6) <input type="checkbox"/> Other: _____.                         |

## DETAILED ACTION

This Office Action is in response to the election of the species of Figs. 1-2, and 21 filed on 10/19/2006, without traverse, claims 1-6, 13-17, and 26-29 being readable thereon. Claims 7-12, and 18-25 stand withdrawal from consideration as being directed to the non-elected species.

### *Drawings*

1. Figures 1, 3, 5, 7, 9, 11, 13, 15, 17, 19 are objected to under 37 CFR 1.83(a).

The drawings must show every feature of the invention specified in the claims.

Therefore, the reference number 8 to vanes must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. ***Claims 1, 5-6, 13-17, and 26-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Szodfridt et al. (US Patent 5,138,985).***

Szodfridt discloses a camshaft adjuster for motor vehicles, the camshaft adjuster comprising: an oscillating motor comprising a rotor (36, 34) that is fixedly connected to a camshaft (1) and further comprising a stator (31, 30) surrounding the rotor, wherein the rotor is rotatable relative to the stator; wherein at least one connecting part (37) acting by at least one of positive engagement and force transmission is provided on a camshaft having cams; wherein the rotor has a base member (36) that is fixedly mounted on the at least one connecting part; wherein the base member has a diameter that is different from a diameter of a circle circumscribing the cams of the camshaft; wherein an inner diameter of the base member is greater than the diameter of the circle circumscribing the cams of the camshaft (See Figs. 1-4); wherein the at least one connecting part is a positive-engagement part having at least one positive-engagement element; wherein the connecting part is a monolithic part of the camshaft; wherein the camshaft has at least one axial stop (at E2) for the oscillating motor; wherein the axial

stop is a radial collar of the camshaft; wherein the axial stop is a monolithic part of the camshaft; wherein the connecting part extends away from the axial stop; wherein the camshaft is a hollow shaft; and further comprising an insert (43) inserted into the hollow shaft; wherein the insert has supply lines (20) for a pressure medium; wherein the camshaft has radial bores (24) communicating supply lines of the insert.

4. ***Claims 1-6, 13-17, and 26-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Ogawa et al. (US Patent 6,035,816).***

Ogawa discloses a camshaft adjuster for motor vehicles, the camshaft adjuster comprising: an oscillating motor comprising a rotor (20) that is fixedly connected to a camshaft (10) and further comprising a stator (30, 40, 50) surrounding the rotor, wherein the rotor is rotatable relative to the stator; wherein at least one connecting part (81) acting by at least one of positive engagement and force transmission is provided on a camshaft having cams; wherein the rotor has a base member that is fixedly mounted on the at least one connecting part; wherein the base member has a diameter that is different from a diameter of a circle circumscribing the cams of the camshaft; Wherein the at least one connecting part is a positive engagement part and has a non-round cross-section; wherein the at least one connecting part is a positive engagement part and has a polygonal cross-section; wherein the rotor has vanes (60) projecting radially from the base member, wherein a number of corners of the polygonal cross-section matches a number of the vanes of the base member; wherein an inner diameter of the base member is greater than the diameter of the circle circumscribing the cams of the camshaft; wherein the at least one connecting part is a positive-engagement part having

at least one positive-engagement element; wherein the connecting part is a monolithic part of the camshaft; wherein the camshaft has at least one axial stop (70) for the oscillating motor; wherein the axial stop is a radial collar of the camshaft; wherein the axial stop is a monolithic part of the camshaft; wherein the connecting part extends away from the axial stop; wherein the camshaft is a hollow shaft; and further comprising an insert (part of 81) inserted into the hollow shaft; wherein the insert has supply lines (11) for a pressure medium; wherein the camshaft has radial bores (14,15) communicating supply lines of the insert.

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ching Chang whose telephone number is (571)272-4857. The examiner can normally be reached on M-Th, 7:00 AM -5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Denion can be reached on (571)272-4859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

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USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Patent Examiner



Ching Chang